

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
GREENSBORO DIVISION  
Case No. 1:18-CV-410

LARRY WOOLARD and ANNE	)	
WOOLARD,	)	
	)	
Plaintiffs,	)	<b>DEFENDANT CHICAGO</b>
	)	<b>BRIDGE &amp; IRON COMPANY</b>
v.	)	<b>(DELAWARE)’S</b>
	)	<b>MOTION FOR</b>
CARRIER CORPORATION, <i>et</i>	)	<b>SUMMARY JUDGMENT</b>
<i>al.</i> ,	)	
	)	
Defendants.	)	

Defendant Chicago Bridge & Iron Company (Delaware) (hereinafter referred to as “CB&I (DE)”), by and through its counsel, pursuant to Rule 56 of the Federal Rules of Civil Procedure, hereby moves the Court to grant summary judgment in its favor on all of Plaintiff’s causes of action against it contained in Plaintiff’s First Amended Civil Action Complaint. CB&I (DE) is entitled to summary judgment in its favor because of the following:

1. Plaintiff was not exposed to any asbestos-containing materials provided or supplied by CB&I (DE).
2. CB&I (DE) did not fabricate the digesters at issue in this case or have any responsibility for them.
3. Plaintiff cannot maintain his breach of implied warranty claim because he had no privity with CB&I (DE).

4. Plaintiff lacks evidence to allow a jury to consider awarding him punitive damages against CB&I (DE).

5. Plaintiff's claims are barred by the North Carolina products liability statute of repose.

Summary Judgment is warranted in favor of CB&I (DE) because there is no genuine issue as to any material fact relevant to this motion as shown by the pleadings, depositions, and other materials submitted to the Court, and/or Plaintiff has insufficient evidence to support one or more of the elements of his claims, and CB&I (CB) is entitled to judgment as a matter of law. The particular and various grounds for summary judgment are set forth in CB&I (DE)'s Brief that is being filed contemporaneously herewith. CB&I (DE) is filing two exhibits herewith in support of this Motion, consisting of excerpts of a deposition transcript and Plaintiff's discovery responses.

For the reasons explained in CB&I (DE)'s Brief in Support of Its Motion for Summary Judgment, the Court should enter summary judgment in its favor on all causes of action asserted by Plaintiff, and the Court should dismiss those causes of action.

This the 23rd day of October, 2019.

/s/ Kenneth Kyre, Jr.  
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### **CERTIFICATE OF SERVICE**

I hereby certify that on October 23, 2019, I electronically filed the foregoing CB&I (DE)'s Motion for Summary with the Clerk of Court using the ECF system, and notification of such filing (which constitutes service of this document) will be sent electronically by the ECF system to counsel of record in this case who have registered with that system.

This the 23rd day of October, 2019.

/s/ Kenneth Kyre, Jr.  
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